

REMARKS

I. Status of the Application

Claims 13-63 are pending in the application. Applicant respectfully requests entry and consideration of the remarks, which are intended to place this case in condition for allowance. This response and the attached exhibits have been marked "Proprietary" and are being submitted, pursuant to M.P.E.P. § 724.02, in a sealed, clearly labeled, envelope marked "'PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED U.S. PATENT AND TRADEMARK OFFICE EMPLOYEE.'" Applicant submits under separate cover a supplemental Information Disclosure Statement ("IDS") complying with the Examiner's request.

The Examiner asserts that the reply filed by Applicant on February 10, 2003 was not fully responsive. The Examiner requests copies of all claims in all copending applications and patents that are "material, relevant and important to the issues of double Patenting and patentability of examined claims 13-48...[the] rinse as in of record claim 15, 20, 26, 31, 34, 37, 40, and especially claims 43 to 47...and newly presented claims 51, 56, 59, 62 and 63". The Examiner further requests a copy of provisional application serial no. 60/004,258.

In response, Applicant's attorney provides herein a list of Montgomery patents and applications of which Applicants' attorney are currently aware that may be responsive to the Examiner's request. It is possible that other cases may be handled by other attorneys, but at this time Applicant's attorney believes that it is currently responsible for all of Montgomery's human oral care patent prosecution. Copies of these references will be provided under separate cover in a supplemental IDS to the extent that they have issued or published. Applicant also provides herewith a copy of provisional application serial no. 60/004,258.

PROPRIETARY

09/483,526*	5,738,843	6,331,292
09/651,170**	5,816,802	6,343,933
09/840,844	5,908,614	6,475,469
10/039,935	5,922,307	6,479,037
10/050,196	5,944,528	6,488,914
10/056,296	6,162,055	6,514,543
10/219,965***	6,221,341	6,536,628
10/434,597	6,281,265	6,576,227
10/456,205****	6,312,670	
WO 99/40870	6,322,773	

*Applicant's attorney submitted in the supplemental IDS PCT Publication No. WO 01/51005, which includes the same specification as U.S. Application Serial No. 09/483,526 (the '526 application is not yet published in the U.S.).

**U.S. Application No. 09/651,170 is a continuation of issued U.S. Patent No. 6,162,055, which is provided in the IDS; therefore, Applicant's attorney is not including a copy of this application since the specification is the same. The claims will be provided, however, as indicated below.

***U.S. Application Serial No. 10/219,965 is being handled by another law firm, but Applicant's attorney is including a copy of the published application for the Examiner's convenience.

****U.S. Application No. 10/456,205 is a continuation of issued U.S. Patent No. 5,908,614, which is provided in the IDS; therefore, Applicant's attorney is not including a copy of this application since the specification is the same. The claims will be provided, however, as indicated below.

Copies of currently pending claims and issued claims corresponding to the list are also provided herewith, with the exception of WO 99/40870, which is a PCT application, and U.S.

PROPRIETARY

Application Serial No. 10/219,965, which is being handled by another law firm. The claims for applications that have not yet published or issued are marked "Proprietary" to prevent public access prior to publication or issuance of those applications.

Applicant believes that the submitted information is complete but reserves the right to supplement upon further discovery of such information.

The arguments made herein should in no way be construed as dedicating any unclaimed or amended subject matter or equivalents to the public, and were done solely to expedite prosecution. Applicant reserves the right to pursue any cancelled or amended subject matter in this or related applications.

II. CONCLUSION

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is requested to call the undersigned at 312-701-7174.

Respectfully submitted,

Dated: 9-17-03

Christine M. Rebman
Christine M. Rebman, Reg. No. 50,546
MAYER, BROWN, ROWE & MAW LLP
190 South LaSalle Street
Chicago, IL 60603
312-782-0600